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761551N25A SHAD32A (2/72)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: AUGUST 10, 2006

FILE: IAB IV 2176952

OFFICE CORRESPONDENCE

FROM: JOHN H. CLARK, CAPTAIN
MEN'S CENTRAL JAIL

TO: JAIME JUAREZ, DEPUTY
MEN'S CENTRAL JAIL

SUBJECT: **WRITTEN REPRIMAND**

On January 29, 2006, you were involved in an off-duty, non-hit shooting, in the city of Long Beach. You confronted the suspect who had just stolen your personal vehicle. As the suspect drove away in your vehicle, you ran into the street and ordered the suspect to stop. The suspect ignored you and drove the vehicle toward you. Fearing for your safety, you stepped back and simultaneously fired two rounds at the suspect with your Department issued Beretta pistol. One round struck the vehicle, but it did not stop the suspect from driving away.

Manual Section 3.01/025.40, *Assaults by Moving Vehicles-Firearms Policy*, prohibits you from placing yourself in the path of a moving motor vehicle because it is inherently unsafe.

As such, you are hereby reprimanded for violating Manual of Policy and Procedures Section 3.01/025.40, Assaults by Moving Vehicles-Firearms Policy.

Future violations of a similar nature could result in more severe discipline.

JAIME JUAREZ #[redacted] 8/10/06
DATE

WITNESS 8/10/06
DATE

761551N25A - SH - AD - 32A (11/02)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: July 27, 2006

FILE NO.:

FROM: JOHNNY G. JURADO, COMMANDER
EXECUTIVE FORCE REVIEW COMMITTEE

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **REQUEST FOR INTERNAL AFFAIRS BUREAU INVESTIGATION**

I am requesting an investigation of Deputy Jaime Juarez #[redacted] by Internal Affairs Bureau for violation of Sheriff's Department policy as detailed below. This investigation of possible misconduct is a result of information presented in case #SH2163795 to the Executive Force Review Committee on July 27, 2006.

SUBJECTS:	Deputy Jaime Juarez #[redacted]
INCIDENT DATE:	January 29, 2006
DATE OF DEPARTMENT'S KNOWLEDGE:	January 29, 2006
POTENTIAL MPP VIOLATIONS:	3-01/030.10: Obedience to Laws, Regulations, and Orders
COMPLAINANT:	Johnny G. Jurado, Commander Leadership & Training Division

JGJ:MAH:mh

761551N25A - SH - AD - 32A (11/02)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: July 27, 2006

FILE NO.:

FROM: JOHNNY G. JURADO, COMMANDER
LEADERSHIP & TRAINING DIVISION

TO: JOHN H. CLARK, CAPTAIN
MEN'S CENTRAL JAIL

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS NON-HIT SHOOTING, JANUARY 29, 2006, INVESTIGATION #IV2176952 (SH2163795)**

The purpose of this memo is to notify you of the Review Committee's findings and recommendations concerning the use of force incident which occurred on January 29, 2006.

The Committee met on July 27, 2006, and consisted of myself and Commanders Eric B. Smith (Leadership and Training Division) and Cecil W. Rhambo (FOR I).

The Committee deemed:

- as **Founded** the allegation that Deputy Jaime Juarez, #[redacted] violated the Department's Manual of Policy and Procedure Section 3-01/030.10: Obedience to Laws, Regulations and Orders, as it pertains to Section 3-01/025.40: Assaults by Moving Vehicles - Firearms Policy.

The Committee recommended that Deputy Jaime Juarez #[redacted] receive a **Written Reprimand**.

JGJ:MAH:mh

DISPOSITION WORKSHEET

Re: IAB # 2176952
Subject: **Jaime Juarez, #[redacted]**
Investigator: Elier Morejon, Sergeant
Advocate: Julia Kiser, Sergeant

SUMMARY:

On January 29, 2006, at approximately 1:00 a.m., Deputy Jaime Juarez was driving his girlfriend home to her house in Long Beach after a date. Deputy Juarez was off duty and had his Department issued Beretta 92F in his waistband. He pulled his 2005 Chrysler 300 sedan into his girlfriend's driveway, left the motor running, and got out. The driveway had a metal gate pulled closed, across it. Deputy Juarez walked around to open the door for his girlfriend. She got out of the car. As they were saying their goodbyes, Suspects Arthur Fernandez and Daniel Jacinto approached them from the front yard of the next door neighbor's house.

Suspect Fernandez got into the driver's seat of Deputy Juarez's car, put it in drive, and rammed it against the closed gate. Deputy Juarez drew his duty weapon from his waistband and pointed it at Suspect Fernandez through the passenger side of the car and verbally identified himself as a Deputy Sheriff. Suspect Fernandez rammed the metal gate with the car a second time, then put the car in reverse. Deputy Juarez continued to order Suspect Fernandez to stop, without success.

Suspect Jacinto approached Deputy Juarez, looking upset, challenged him, pulled his shirt off, and yelled, "You're not a cop! Shoot me if you are!" Suspect Fernandez got out of Deputy Juarez's car and started to approach him. Deputy Juarez ordered both Suspect Jacinto and Fernandez to back away from him. He continued to verbally identify himself as an off-duty Deputy Sheriff. Two females walked over to Suspect Jacinto and started trying to hold him back.

Suspect Fernandez got back into Deputy Juarez's car and immediately started backing out of the driveway, onto northbound Harbor Avenue. Suspect Fernandez backed the car all the way into the middle of the street. Deputy Juarez positioned himself ten to fifteen feet into the street and pointed his weapon at Suspect Fernandez, ordering him to stop. Suspect Fernandez put the car in drive and swerved to the right, heading directly for Deputy Juarez. Deputy Jaurez said he was unable to move fast enough from the car driving towards him, and he fired two rounds from his gun at Suspect Fernandez, striking his car twice between the passenger's side mirror and the passenger's side door lock. Suspect Fernandez drove north on Harbor Avenue and out of view.

Long Beach Police responded to the scene and Deputy Juarez made the appropriate notifications in a timely manner. His car was recovered later. One count of felony car jacking was filed against Suspect Fernandez.

DISPOSITION WORKSHEET
DEPUTY JAIME JUAREZ, #[redacted]
IAB CASE NO. 2176952

DISPOSITION OF CHARGES

The following potential charge was prepared by the Advocacy Unit. Please indicate your disposition of the potential charge, and put any additional sustained charge(s) (with reference to the investigation) on attached sheet(s).

Potential Charge #1:

That in violation of the Department's Manual of Policy and Procedures section 3-01/030.10: Obedience to Laws, Regulations, and Orders, as it pertains to section 3-01/025.40: Assaults by Moving Vehicles - Firearms Policy, on or about January 29, 2006, Deputy Juarez positioned himself in the path of a moving motor vehicle and discharged his firearm at the motor vehicle and/or its' occupant in response to the threat posed solely by the vehicle without an objectively reasonable belief that the vehicle or suspect posed an immediate threat of death or serious physical injury to the Department member or another person AND that the Department member had no reasonable alternative course of action to prevent the death or serious physical injury, as evidenced by, including, but not limited to:

1.) Moving from the sidewalk and/or driveway to a position of tactical disadvantage ten to fifteen feet in the street while attempting to detain fleeing car-jacking suspect Arthur Fernandez at gun point, and/or

2.) Continuing to attempt to detain fleeing Suspect Fernandez at gunpoint despite his repeated, albeit unsuccessful, efforts to stop him.

Disposition:

_X_ **Charge founded as delineated**
___ **Charge founded as modified**
___ **Charge unresolved**
___ **Charge unfounded**

Discipline Assessment

Review of Applicable Guidelines for discipline Section:

The Department's Guidelines for Discipline (Revised August 1, 2005) lists the following analogous misconduct with associated disciplinary penalties:

DISPOSITION WORKSHEET
DEPUTY JAIME JUAREZ, #[redacted]
IAB CASE NO. 2176952

Conduct	**Standard Discipline**
Obedience to Laws, Regulations and Orders.	W/R to Discharge.

Determination of Discipline:

Based upon the attached assessment of mitigating and aggravating factors, the following discipline has been determined to be appropriate. This discipline is subject to revision upon receipt of the subject's response of grievance.

_____ **Discharge**
_____ **Reduction in Rank**
_____ **Suspension with loss of pay and benefits for __ days**
_X_ **Written Reprimand**
_____ **No discipline**

Assessment of Mitigating and Aggravating Factors:

The following describe the mitigating and aggravating factors in the determining the discipline in this investigation. Those factors include:

Intent	Truthfulness
Past Performance	Severity of Infraction
Degree of Culpability	Acceptance of Responsibility
Disciplinary History	Other Factors

Management has considered the subject's performance, which is documented in the Subject's Department personnel file, and those documents not contained in that file which are attached to the disposition worksheet.

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT
PERSONNEL INVESTIGATION

DATE	No. OF SUBJECTS	UNIT(S) INVOLVED	I.A.B. FILE No.
07-28-06	1	Men's Central Jail	IV 2176952

MANUAL SECTIONS ALLEGEDLY VIOLATED (BY TITLE AND No.)
3-01/030.10 Obedience to Laws and Regulations re: 3-01/025.40 Shooting at moving vehicles

DATE, TIME, DAY OF OCCURRENCE: 01-2-06, 0100, Sunday

RELATED URN FILE No. IF APPLICABLE: None

LOCATION OF OCCURRENCE: [redacted]

SOURCE OF COMPLAINT: ☐ COMMUNITY ☐ SUPERVISION W/C REPORT No. ______ ☒ OTHER SOURCES (SPECIFY) EFRC

SUBJECT No. 1 OF 1	LAST NAME	FIRST NAME	M.I.	RANK OR TITLE	EMP. No.
	Juarez	Jaime	------	DEPUTY	[redacted]

UNIT OF ASSIGNMENT: MCJ | DATE ASSIGNED: 10-28-05 | DIVISION OR REGION: Custody Division

STATUS OF SUBJECT: ☒ CONTINUING ON DUTY ☐ RELIEVED OF DUTY - REASSIGNED TO ______ ☐ OTHER ______

SEX	RACE	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	AGE
M	H	Blk	Bro	507	140	Adult	[redacted]

DATE OF HIRE: 05-28-05 | DATE APPOINTED TO RANK: 10-28-05 | INTERVIEW TAPE RECORDED ON TAPE Lucid OF 17800 | SIDE ☐ A ☐ B | DATE 04-25-06 | TIME 1000

PREVIOUS 7 YEAR FOUNDED INVESTIGATIONS (EXCLUDING TRAFFIC)

DATE	I.A.B. FILE No.	MANUAL SECTION(S) VIOLATED	DISCIPLINE
		None	

SUBJECT No. OF	LAST NAME	FIRST NAME	M.I.	RANK OR TITLE	EMP. No.

UNIT OF ASSIGNMENT | DATE ASSIGNED | DIVISION OR REGION

STATUS OF SUBJECT: ☐ CONTINUING ON DUTY ☐ RELIEVED OF DUTY - REASSIGNED TO ______ ☐ OTHER ______

SEX	RACE	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	AGE

DATE OF HIRE | DATE APPOINTED TO RANK | INTERVIEW TAPE RECORDED ON TAPE ____ OF ____ | SIDE ☐ A ☐ B | DATE ______ | TIME ______

PREVIOUS 7 YEAR FOUNDED INVESTIGATIONS (EXCLUDING TRAFFIC)

DATE	I.A.B. FILE No.	MANUAL SECTION(S) VIOLATED	DISCIPLINE

CODE: C - COMPLAINANT, W - WITNESS

ADDITIONAL COMPLAINANTS, WITNESSES, OR SUBJECTS ON SUPPLEMENTAL PAGES ☐ YES ☐ NO

CODE No. OF	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
	See SH-2163795					

RESIDENCE ADDRESS | RES. PHONE (AREA CODE) ( )

BUSINESS ADDRESS OR UNIT OF ASSIGNMENT | CDL OR LASD EMPLOYEE NO. | BUS. PHONE (AREA CODE) ( )

INTERVIEW TAPE RECORDED ON TAPE ____ OF ____ | SIDE ☐ A ☐ B | DATE ______ | TIME ______

CODE No. OF	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.

RESIDENCE ADDRESS | RES. PHONE (AREA CODE) ( )

BUSINESS ADDRESS OR UNIT OF ASSIGNMENT | CDL OR LASD EMPLOYEE NO. | BUS. PHONE (AREA CODE) ( )

INTERVIEW TAPE RECORDED ON TAPE ____ OF ____ | SIDE ☐ A ☐ B | DATE ______ | TIME ______

PRIMARY INVESTIGATOR	RANK	EMP. No.	APPROVED	DATE
Elier Morejon	SERGEANT	[redacted]	LT. MJ PARKER	08-02-06 IAB
ASSISTING INVESTIGATOR	RANK	EMP. No.	DATE SUBMITTED	

IF ADDITIONAL SUBJECTS, WITNESSES, COMPLAINANTS OR DISCIPLINE HISTORIES, LIST ON CONTINUATION PAGES.

SH-AD-669-2/93

SHERIFF'S DEPARTMENT PERSONNEL INVESTIGATION

I.A.B. FILE No IV 2176952

NARRATIVE SHOULD BE AN OBJECTIVE AND UNBIASED STATEMENT OF THE FACTS; INVESTIGATOR OPINIONS SHALL NOT BE INCLUDED.

No. OF ITEMS	LIST EXHIBITS/EVIDENCE FIRST (IF STORED, STATE LOCATION - AUDIO TAPES SHOULD BE CLEARLY LABELED), THEN BEGIN NARRATIVE.
	ADMINISTRATIVE RIGHTS FORMS. (ATTACH ONE FORM FOR EACH EMPLOYEE INTERVIEWED)
	AUDIO TAPES. ALL INTERVIEWS SHALL BE TAPE RECORDED AND ALL TAPES MUST BE INCLUDED. (LIST EACH INTERVIEWEE BY NAME.)
	None - See SH-2163795 for interviews.

NARRATIVE CAN BE CONTINUED ON SH-AD-49 CONTINUATION FORM OR PLAIN BOND.

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE NARRATIVE
IV 2176952
SH 2163795
URN: Long Beach Police Department

Subjects: **JUAREZ, Jaime, DEPUTY SHERIFF #[redacted]**
MENS CENTRAL JAIL
CUSTODY DIVISION

Date: **January 29, 2006**

Location: [redacted]

Investigator: **Sergeant Elier Morejon**

Case Synopsis:

This case pertains to allegations that Deputy Jaime Juarez violated Manual of Policy and Procedure Section, *3-01/030.10 Obedience to Laws and Regulations Re: Shooting at Moving vehicles*

On January 29, 2006, Deputy Juarez, while off duty, was the victim of a carjacking in the City of Long Beach. During the incident Deputy Juarez was forced to fire his Department issued weapon, Beretta 92F, at the suspect fearing that the suspect was going to run him over. The suspect was not hit by Deputy Juarez gunfire and fled the scene.

The facts of this non-hit shooting were presented to the Executive Force Review Committee on July 27, 2006. As a result of that presentation, the Executive Force Review Committee deemed the shooting within Departmental standards; however, the Committee requested an Internal Affairs Bureau investigation naming Deputy Jaime Juarez as a Subjects for the above policy violations. The committee required no additional questions and made a decision as to the outcome of the case. **Refer to Exhibit A - IAB File SH-2163795 for the facts surrounding the non-hit shooting.**